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OCT 12 2004

OFFICE OF PETITIONS

In re Application of :
Dodd et al. :
Application No. 10/697,394 :
Filed: October 30, 2003 :
For: OPTICAL TARGETS : ON PETITION

This is a decision on the petition in Response to Notice of Incomplete Nonprovisional Application, filed September 15, 2004, requesting the application be accorded a filing date of October 30, 2003, including 9 sheets of drawings containing Figures 1-14 described in the specification.

The petition is granted.

The application was filed on October 30, 2003. However, on July 15, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application, noting that a filing date had NOT been accorded the application because the application had been deposited without drawings.

In response, Petitioner files the instant petition wherein Petitioner avers that 9 sheets of drawings were originally filed with the application on October 30, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 9 sheets of drawings (Fig. 1-14) on October 30, 2003.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 9 sheets of drawings (Fig. 1-14) on October 30, 2003. Petitioner has also re-submitted 9 sheets of drawings, comprising Figures 1 - 14, with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of 9 sheets of drawings, comprising Figures 1 - 14, supplied on September 15, 2004, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 08-2025 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of October 30, 2003, and an indication that 9 sheets of drawings containing Fig. 1 - 14 were present on filing, using the 9 sheets of drawings filed on September 15, 2004.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



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Petitions Attorney
Office of Petitions